

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 201 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

CHANDRAVATIBEN DHANSUKHLAL PACHIGAR HOMOEOPATHIC MEDICAL
Versus
STATE OF GUJARAT

Appearance:

MR SV BACHANI for Petitioners

MR AD OZA GOVERNMENT PLEADER for Respondent No. 1, 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 19/01/2001

ORAL JUDGEMENT

#. Heard the learned counsel Mr.Bachani for the petitioner and Learned G.P. Mr.A.D.Oza, for the respondent nos.1 and 2. By consent this matter is taken up for final hearing and disposed by this judgment.

#. The case of the petitioner, in brief, is that the

petitioner, a public charitable trust, decided to commence the degree course for B.H.M.S pursuant to the Circular of the State Government and obtained sanction for the same by a conditional order dated 15.7.2000. The conditions contained the conditions of obtaining affiliation with the University for the year 2000-2001 and that the trust was not to admit the students directly. The petitioner also obtained recognition from the Central Council of Homeopathy for the sessions 2000-2001 and 2001-2002 subject to certain conditions. The State Council of Homeopathy System of Medicine has also, taking note of affiliation of the college with South Gujarat University issued no objection certificate for starting B.H.M.S.Course vide letter dated 3.1.2001 and the petitioner has also deposited Rs.6 lacs in Fixed Deposit pursuant to a letter dated 12.5.2000 of the Education Department of the State Government.

#. The respondent no.2, the Chairman of the Centralised Admission Committee (Homeopathy) has even issued advertisement in the local daily inviting applications for admission of students to the institution of the petitioner. Vide letter dated 1.3.2000, South Gujarat University had forwarded the applications and relevant proceedings to the State Government for grant or refusal of grant of the application of the petitioner for affiliation in accordance with the provisions of Sec.34 of the South Gujarat University Act 1965.

#. The grievance of the petitioner is that after complying with the formalities as above and even publication of the advertisement inviting applications for admission by respondent no.2, the Government has failed to grant or refuse to grant the application for affiliation and, therefore, the prayers to direct the respondent to publish necessary notification with regard to affiliation as also direction to give admission to the students through the Centralised Admission System is made. No affidavit is filed on behalf of the respondents. However, the Learned G.P. has fairly made a statement that a decision on the application for affiliation shall be taken within 2 weeks from today and if the application for affiliation is granted, the admission to the institution of the petitioner shall be made through the Centralised Admission System.

#. In view of statement made by the Learned G.P. the learned counsel for the petitioner does not press the petition for any further direction and accordingly the petition stands disposed as partly allowed in terms of the statement of Learned G.P. Rule is made absolute to

the aforesaid extent. The parties shall have liberty to apply in case of difficulty. D.S. permitted.

(D. H. WAGHELA, J.)

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